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BEFORE THE BOARD OF PERSONNEL APPEALS
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IN THE MATTER OF UNFAIR LABOR PRACTICE #19, 1976.

DANIEL JAMES MULLAN, PRESIDENT)
VICTOR FEDERATION OF TEACHERS,)
Complainant,)
vs-)
DUANE W. REAGAN, SUPERINTENDENT)
OF SCHOOLS, VICTOR PUBLIC SCHOOLS,)
Defendant.)

FINAL ORDER

* * * * *

No party to the above captioned matter has filed exceptions to the Findings of Fact, Conclusions of Law, and Recommended Order, within the time limits established by the rules and regulations of the Board of Personnel Appeals,

THEREFORE, the Board adopts the Recommended Order, in the above captioned matter, as the Final Order of the Board.

BOARD OF PERSONNEL APPEALS
BY Brent Cromley
Brent Cromley, Chairman

Dated: December 13th, 1976.

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BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNFAIR LABOR PRACTICE #19, 1976:

DANIEL JAMES MULLAN, PRESIDENT)
VICTOR FEDERATION OF TEACHERS,)
)
Complainant,)
)
-VS-)
)
DUANE W. REAGAN, SUPERINTENDENT)
OF SCHOOLS, VICTOR PUBLIC SCHOOLS,)
)
Defendant.)

FINDINGS OF FACT
CONCLUSIONS OF LAW
RECOMMENDED ORDER

On July 2, 1976, Mr. Daniel J. Mullan, President of the Victor Federation of Teachers, affiliated with the Montana Federation of Teachers, filed an unfair labor practice charge with the Montana State Board of Personnel Appeals against Duane W. Reagan, Superintendent of Schools, Victor Public Schools.

The charge alleges that Section 59-1612 has been violated in that Mr. Reagan refused to authorize payroll dues deductions for Victor Federation of Teachers members.

A hearing in the above captioned matter was held on October 6, 1976, in the Conference Room of the Ravalli County Courthouse, Hamilton, Montana. The Victor Federation of Teachers was represented by Mr. David L. Astle of the law firm of Astle and Astle, Kalispell, Montana; Mr. Reagan represented himself.

As the duly appointed hearing examiner of the Board of Personnel Appeals, I conducted the hearing in accordance with the provisions of the Montana Administrative Procedures Act (Sections 82-4201 to 82-4225, R.C.M., 1947).

After a thorough review of the record of this case, I make the following:

FINDING OF FACT

1. That on May 25, 1976, the Board of Personnel Appeals certified the Victor Federation of Teachers as the exclusive representative of teachers in the Victor Public Schools.
2. That following said certification, several teachers gave written authorization to the school district clerk to deduct Federation dues from their paychecks. Mr. Reagan, school superintendent, instructed the clerk that such deductions should not be made.

1 3. That for the 1975-76 school year the Victor Education Association was the
2 exclusive representative for the Victor teachers and a contract between the
3 Victor Education Association and the Victor Public Schools expired on June 30,
4 1976.

5 DISCUSSION

6 As of May 25, 1976, the V.F.T. was authorized as the exclusive representa-
7 tive of the Victor Public School teachers. This authorization does not, however,
8 nullify the existing contract between the schools and the V.F.A. which expired
9 June 30, 1976.

10 As of July 1, 1976, the V.F.T. was authorized to perform all the functions
11 of an exclusive representative, handle grievances, negotiate contracts, etc.
12 For the period May 25 to June 30 the authority of the V.F.T. extended only to
13 carrying on contract negotiations in preparation for the time that the V.F.T.
14 shall assume full status.

15 The record further shows that dues have been deducted for the V.F.T. since
16 the beginning of the 1976-77 school year. This evidences a willingness of the
17 school administration to cooperate with the V.F.T. on this issue.

18 CONCLUSIONS OF LAW

19 The allegation of ULP #19, 1976, that Mr. Duane W. Reagan, Superintendent
20 of Victor Public Schools, has violated Section 59-1612, R.C.M., 1947, has not
21 been sustained by the Complainant.

22 RECOMMENDED ORDER

23 The charge referred to in ULP #19, 1976, filed by Daniel Mullan, President
24 of the Victor Federation of Teachers, against Duane W. Reagan, Superintendent of
25 Victor Public Schools, on July 2, 1976, is hereby dismissed.

26 DATED this 1st day of November, 1976.

27 BOARD OF PERSONNEL APPEALS

28
29 BY Jeff Andrews
30 Jeff Andrews
31 Hearing Examiner
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